

REMARKS

Reconsideration of the present application is respectfully requested.

Claims 1-2, 4-6 and 8 stand rejected under 35 USC §102(b) over Chen. In response, Applicants have amended claim 1 to make it clear that the device control passage is fluidly connected to a first hydraulic device and a second hydraulic device. Chen shows no such structure. Therefore, Applicants respectfully request that the outstanding §102(b) rejections based upon Chen be withdrawn.

Claim 17 stands rejected under 35 USC §102(b) in view of Schmidt. Applicants respectfully disagree since Schmidt does not teach actuating the engine compression release brake and its fuel injector by activating the same actuator control valve as in Applicants' claimed invention. In order to better prevent Applicants' claims from being misinterpreted to read upon Schmidt, Applicants have made it clear that activating the actuator control valve moves its from a first position to a second position. Thus, the scope of the claim has not been substantively altered, but instead explicitly incorporates subject matter that was inherently already present. With these explicit changes, there should be no dispute that the claims can not properly be read upon anything fairly taught by Schmidt. Therefore, Applicants respectfully request that the outstanding §102(b) rejection based upon Schmidt be withdrawn.

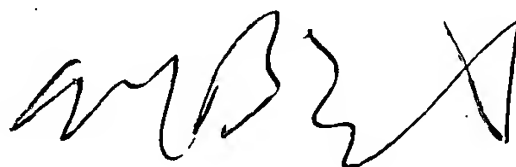
Claims 3, 7, 9-16 and 18-20 stand rejected under 35 USC §103(a) over Chen in view of Schmidt. In view of the amending changes made to independent claim 1, 9 and 17, Applicants respectfully assert that, even when combined, the cited references can not meet all the limitations required by these claims. Therefore, Applicants respectfully request that the outstanding §103(a) rejections be withdrawn.

Claim 21 stands objected to. In response, Applicants have amended claim 21 into independent form, and have enclosed a check for \$88.00 to cover the excess independent claim fee. Nevertheless, the Director is authorized to charge any underpayment or credit any overpayment to Deposit account number 500226.

Claim 3 has been cancelled and new claim 22 has been added. Therefore, no additional excess claim fee is believed required.

This application is now believed to be in condition for allowance of claims 1-2, and 4-22. However, if the Examiner believes that some minor additional clarification would put this application in even better condition for allowance, the Examiner is invited to contact the undersigned attorney at (812) 333-5355 in order to hasten the prosecution of this application.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'MBM', with a large 'X' mark at the end of the signature.

Michael B. McNeil
Reg. No. 35,949